

Board Agenda Item  
July 7, 2003

3:30 p.m. Item – RZ-2002-PR-025 – DSF/Long Metro LLC  
Providence District

On Wednesday, June 25, 2003, the Planning Commission voted 8-0-1 (Commissioner Wilson abstaining; Commissioners DuBois, Moon and Murphy absent from the meeting) to recommend to the Board of Supervisors approval of RZ-2002-PR-025, subject to the execution of proffers consistent with those dated June 23, 2003.

The Commission also voted 8-0-1 (Commissioner Wilson abstaining; Commissioners DuBois, Moon and Murphy absent from the meeting) to approve FDP-2002-PR-025, subject to the Final Development Plan conditions dated June 18, 2003 and the Board of Supervisor's approval of RZ-2002-PR-025.

Finally, the Commission voted 8-0-1 (Commissioner Wilson abstaining; Commissioners DuBois, Moon and Murphy absent from the meeting) to recommend to the Board of Supervisors approval of a modification of the landing space requirements to permit two spaces in the western building and three spaces in the eastern building.

Planning Commission Meeting  
June 25, 2003  
Verbatim Excerpt

RZ 2002-PR-025 - DSF/LONG METRO LLC  
FDP 2002-PR-025 - DSF/LONG METRO LLC

Decision Only During Commission Matters  
(Public Hearing held on June 19, 2003)

Commissioner Smyth: Mr. Chairman, I also have a decision only tonight. It was deferred from last week. This is the DSF/Long Metro LLC decision. There were a number of questions and concerns raised during the public hearing. If I may, I would like to just briefly go through them and have Mr. Mayland give us a little bit of information that we have come across since that time. We also have new proffers that were distributed by e-mail yesterday to you. Mr. Mayland, There was the issue of the advertising and whether or not the WMATA strip should have been part of the advertising. I understand you talked to the County Attorney's Office?

Mr. Bill Mayland: Yes, I spoke with the County Attorney's Office and explained to them the scenario here and they agreed that there was no reason that the WMATA strip would need to be advertised since it was not part of the application property. There was no density that was being attributed from that property to this applicant or credit for open space.

Commissioner Smyth: Nor was the property being rezoned.

Mr. Mayland: Correct. It was not being rezoned.

Commissioner Smyth: Right. And the WMATA strip itself would be part of the streetscape along Prosperity Avenue?

Mr. Mayland: Yes. It would be either a streetscape or Prosperity Avenue itself. It would be dedicated for right-of-way improvements.

Commissioner Smyth: And we have a proffer specifically dealing with the situation if the applicant does not acquire it?

Mr. Mayland: Right. There's actually two proffers to deal with it. Proffer II-8, which is pedestrian facilities, has language that says that as part of the site plan approval, the applicant will have either acquired the WMATA strip or gained permission to landscape that area in accordance with their plan for the streetscape improvements. And also Proffer V-3, which is improvements for Prosperity Avenue, is a proffer that says that prior to site plan approval, the applicant will demonstrate to the satisfaction of DPWES that they have either acquired the WMATA strip or the ability to dedicate and construct the improvements to Prosperity and

Merrilee in that area. If they do not acquire or get permission, they would have to come back through the process and do a Proffered Condition Amendment.

Commissioner Smyth: Right. So, in other words, they cannot get site plan approval without either permission to use this strip or actual ownership?

Mr. Mayland: Correct.

Commissioner Smyth: Okay. Then one of the other issues that we talked about was the crosswalk and signalization at Prosperity. The applicant is escrowing for the light, but as you stated before, the crosswalks might be a problem at the moment.

Mr. Mayland: Yes. The applicant is actually also escrowing for the crosswalk. The problem with installing that crosswalk now is that when you cross the street, there's nowhere to go. WMATA is the property owner directly to the north. There's currently a fence up there without sidewalks. WMATA did not -- at the request of the applicant and staff, WMATA declined to install some sort of pedestrian gate that would allow people crossing Prosperity to access the WMATA site and then get into the parking lot without going across Prosperity Avenue on the road. Since they declined to put the gate in, staff felt it made sense to escrow and not encourage people to cross there until it was safe to cross.

Commissioner Smyth: And we expect the pedestrians will then cross at Gallows.

Mr. Mayland: Well, they can do two things. They could either go down to Gallows or potentially go west, to Metro Place III, the property to the west -- a number of people cross there into the parking lot for WMATA. So they could do either one of those.

Commissioner Smyth: Okay. And the interior courtyards? If we could have the picture up again. The interior courtyard that will be open to the public. The entrance to this is -- to my understanding -- between 40 and 50 feet wide?

Mr. Mayland: That's correct.

Commissioner Smyth: With the landscaping, of course.

Mr. Mayland: Right. That includes the landscaping. I think the confusion might have been that the paved sidewalk area is around 12 feet, but the entrance itself is over 40 feet wide which includes some landscaping and other treatments.

Commissioner Smyth: Okay. Two other issues that were brought up were the amount of retail in this specific application. And, of course, the application does have a provision for possible

conversion of the units along the western frontage of Merrilee to either office or retail, but it also has specified amounts of retail and uses for the rental office and the exercise, workout room. All right. Again, the community serving retail for Merrifield in this particular land bay is planned in C5, which is the southeast quadrant of Land Unit C along Gallows, where it will be convenient for not only residents of the area around the Metro, but also those across Gallows. And there will be a planned extension of Merrifield Avenue from Merrilee to Gallows to give easy access for the residents up closer to the Metro Station, to get over to this community retail. This whole area is mixed use. We have offices. Next door we also have existing retail uses along Merrilee. So again, this is residential being added to an area that already has some of these uses. One final thing here. In your proffers tonight, you will find a revised school memo.

Commissioner Harsel: Mr. Chairman?

Vice Chairman Byers: Ms. Harsel.

Commissioner Harsel: This is the time. I saw the revised school memo and I would ask this to go back to the schools because they say their capacity is 570. Remember that, 570. And in 2007, they're expecting 446. Four hundred, let's round it, 400. And yet they're saying it's going to add a 124? You don't add. If you're at 400 and you can take 500, you're not adding it, you're subtracting it. And then -- now at Kilmer -- now that's fine. But at the high school, it's the same thing. Capacity is 1500, 2007 to 2008, they're projecting a membership of 1300 and they're saying they're adding 146? I'm just kind of -- I know what the difference is, but when we get these memos, there are pluses and minuses and I just -- I would like some explanation as to why a capacity of 1500, with a membership of 1300 is an added 146. And they're talking about -- they're putting in 28 children. Well 28 children, with 446 isn't going to come up to 570. I'm just a little bit curious about their math. It's new math, probably. Too new for me

Commissioner Smyth: I think perhaps I might offer an explanation. I don't think this is really showing the students from this development. I think it's just the difference from what they are projecting the membership to be and the actual capacity of the school. In other words, they're projecting the membership to be, in 2007 and 2008, 446, with a capacity of 570, so they have room for 124 students.

Commissioner Harsel: That's right. And they're only adding 28.

Commissioner Smyth: And they're only adding 28. Yes. That's what the school facilities people are saying. However, this memo is different from the one that was originally done on this development. It seems that when we were looking at the Out-of-Turn Plan Amendment for Monument Place, the school facilities people were asked to take a look at how they were calculating student generation because some of our newer high density residential developments, while they are not as tall as high rises, are definitely as dense and have the same sort of economic

and demographic expectations that we have in high rise. They also have some of the same things like structured parking and predominately a mix of one-bedroom units. So Mr. Mayland told me he had seen some of the newer memos come in for similar projects. I checked with the school facilities people to see if indeed this was the case, that they were looking at some of these developments differently, not as garden apartments because they were only four stories high, but dense urban residential developments, more akin to high rise. And they told me that they were. They asked me about this development. I gave them the information. They looked it over and they sent us a new school memo. So this is now based on the high rise formula that they say is really more appropriate for this type of residential development. And under this formula we would have been getting -- asking for \$345,000 instead of the \$757,000. So actually our school proffer is more than \$100,000 above that, plus the computers.

Commissioner Harsel: Mr. Chairman?

Vice Chairman Byers: Ms. Harsel.

Commissioner Harsel: I thought the whole sense of the drill was if we went over capacity, that's when they were to do it. I mean, they're functioning for capacity. The schools are built for capacity. This one isn't even taking it to capacity in any of the places, so I'm rather in a quandary. Have I missed something with the new math?

Mr. Mayland: No. I think certainly there could be other rezoning applications that the School Board is not anticipating for that would happen between now and 2007 which could certainly take the school system to capacity or beyond. They are reviewing this in somewhat of a bubble because they're not using the capacity numbers for applications that are currently being reviewed by staff or applications that would be filed in the future because they have no way of knowing what those student counts may be in actuality because certainly, you know, this is taking six acres from I-4 to a residential district. And these are all students that were not anticipated to be in the system previously, so that could certainly happen elsewhere in the Merrifield area.

Commissioner Harsel: But this application isn't putting them over?

Mr. Mayland: Well, the indication they're giving us is that with this application, in 2007, they're going to have 124 -- space for 124 students in elementary. They'll actually be over in the middle school, but this applicant's only adding five middle school students. And the high school will have a capacity for another 146 students, so --

Commissioner Harsel: And this application is adding 13. I mean, I commend Mrs. Smyth, but I don't see where we're going because of two points that you made. Number one, this application is not taking to capacity nor going over capacity. Number two, why should this applicant pay school proffer money for an application -- for someone else's application?

Mr. Mayland: Well --

Commissioner Harsel: And then my final thing is, how many bedrooms are these places having?

Commissioner Smyth: I believe it's more than half one-bedroom. That's one of the reasons why we have these readjusted ideas about the generation of students. And they're apartments.

Commissioner Harsel: I know they're apartments. They're rentals. Okay, I just -- you know, like I said, I guess we've changed the formula midway.

Commissioner Smyth: In many ways.

Vice Chairman Byers: Okay. Back on track.

Commissioner Smyth: Thank you. Anyway, my point here is that the question had been raised at the public hearing about the appropriateness of the public facilities contribution and in this case we seem to be considerably over what we might have been otherwise. So, Mr. Chairman, I would like to move on this application. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2002-PR-025, SUBJECT TO EXECUTION OF PROFFERS DATED JUNE 23, 2003.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of the motion to recommend the Board of Supervisors approve RZ 2002-PR-025, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioner Wilson: Abstain, Mr. Chairman, I was not here for the public hearing.

Vice Chairman Byers: Ms. Wilson abstains.

Commissioner Smyth: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2002-PR-025, SUBJECT TO THE FINAL DEVELOPMENT PLAN CONDITIONS DATED JUNE 18, 2003 AND THE BOARD'S APPROVAL OF RZ 2002-PR-025.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion? All in favor of the motion to approve FDP 2002-PR-025, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioner Wilson: Abstain.

Vice Chairman Byers: Motion carried.

Commissioner Smyth: Mr. Chairman, I MOVE THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE LANDING SPACE REQUIREMENTS TO PERMIT TWO SPACES IN THE WESTERN BUILDING AND THREE SPACES IN THE EASTERN BUILDING.

Commissioner Hall: Second.

Vice Chairman Byers: Seconded by Ms. Hall. Any discussion of that motion? All in favor of the motion, say aye.

Commissioners: Aye.

Vice Chairman Byers: Opposed?

Commissioner Wilson: Abstain.

Vice Chairman Byers: Ms. Wilson abstains again.

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(Each motion carried by a vote of 8-0-1 with Commissioner Wilson abstaining; Commissioners Dubois, Moon, and Murphy absent from the meeting.)

GLW

